



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 269

Hearing Date: February 24, 2005

Committee On: Judiciary

Introducer(s): (Erdman)

Title: Provide a procedure for judicial emancipation for minors

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

6	Yes	Senators Aguilar, Combs, Flood, Foley, Friend, Pedersen
	No	
1	Present, not voting	Senator Bourne
1	Absent	Senator Chambers

Proponents:

Senator Philip Erdman
Larry Ruth

Representing:

Introducer
Nebraska State Bar Association

Opponents:

Bruce Prenda
Patrick Connell

Representing:

County Attorneys Association
Nebraska Association of Home Services for
Children

Neutral:

Representing:

Summary of purpose and/or changes:

In certain circumstances, Nebraska courts will recognize that a minor has become emancipated. Such recognition of emancipation is done in the context of another case--in a child support case (*Foxvog v. Foxvog*, 7 Neb.App. 92 (1998)) or in an action to collect a debt against a person under the age of 19 (*Accent Service Co. Inc., v. Ebsen*, 209 Neb. 94 (1981)). There is not a means in statute or procedure by which a minor can initiate a suit to become emancipated.

Legislative Bill 269 provides for a statutory process for judicial emancipation of minors.

LB 269 allows that person who is at least fifteen years of age, married, or living apart from his or her parents or guardian and who is a legal resident of the county, may petition the district court for a decree of emancipation.

The petition shall state:

- the name, age, and address of the minor;
- and names and addresses of the parents or guardians of the minor, or the name and address of the nearest known relative if parents/guardian cannot be found.

A copy of the petition shall be served to the parents or legal guardian of the minor, the legal custodian of the minor, the probation officer if the minor is a ward of the court, and the county attorney of the county in which the matter is to be heard.

At the hearing on the petition, the court shall address the petitioner/minor personally and shall advise him or her of the consequences of the emancipation. The court shall consider whether the parents/guardian have consented to emancipation; whether the minor is able to support self without financial assistance; whether the minor is sufficiently mature and knowledgeable; and whether emancipation is in his or her best interests.

If the court awards a decree of emancipation, such decree shall emancipate the minor and remove any disability of minority except that the decree does not affect the inability of the person to buy, purchase, or consumption of alcohol; to game or be employed in gaming; to marry a person under age seventeen; nor does the decree govern matters relating to juveniles.

Explanation of amendments, if any:

The committee amendment to LB 269 makes the following changes:

- changes the age for judicial emancipation from fifteen to sixteen;
- changes the use of the word ‘petition’ to ‘complaint’;
- changes the word ‘decree’ to ‘judgment’;
- and adds Section 8 that allows a decree for emancipation may be voided when a complaint is filed by any person or by any public agency when the minor has become indigent and has insufficient means of support or the judgment was obtained by fraud, misrepresentation, or the withholding of material information.

Senator Patrick J. Bourne, Chairperson